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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

COMMISSIONER:

Mr. George R. Taylor

29 July 1946

POLITICAL LEADERS

(THE COMMISSION CONVENED AT 1400 HOURS.)

COMMISSIONER TAYLOR: Dr. Link, we will proceed to hear the affidavits on behalf of the Political Leaders.

DR. LINK: My third group of affidavits for the Political Leaders will be those concerning the position and sphere of work of the staff officers called "Amtstraeger" and ~~comprised~~ included by the prosecution in the staff of the Kreis and Gauleiter. They are to show that these staffs of Hoheitstraeger consisted of the following and in significance and work quite different groups:

1. Political Operational Offices
2. Party Administration.
3. Vocational and Special Offices.

The offices to be discussed in Groups II and III have one thing in common, that is, that their members, together with any collaborators were built into the so-called staff of the Kreis and Gauleiter as far as organization is concerned, but did not have any political sphere of work. Their work was, rather, distinguished by certain special characterisctics especially as far as the maintaining of professional interests was concerned. Accordingly, they were under the jurisdiction of the Hoheitstraeger as far as discipline was concerned but the Hoheitstraeger were not allowed to interfere with their works. The instructions for this were given by the superior sectional

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office. The reason for this was that in practice these vocational and special so-called staff officers were no wanton tools of the Hoheitstraeger nor could they be such, but rather were frequently opposed to the Kreis or Gauleiter.

The loose connection of these groups that existed only because of organizational reasons dictated by the claim for totality by the Party is shown by a series of outer signs and conditions especially by non-participation in meetings of the Hoheitstraeger and his political Amtstraeger. I shall present one affidavit each for Group 1 (Political Operational Offices) out of which the training and propaganda office arose.

I now submit the affidavit of Reinhard Schoen, Gauschulungsleiter of Mainfranken, summary of which is as follows:

"Essentially training was a work of peace, as is shown by the curriculum submitted; the fight against church or compulsion to resign church membership was forbidden in this training; the instructions were not secret and they did not concern themselves with the union of Political Leaders in the sense of any conspiracy or for the preparation of an aggressive war or the planning or execution of crimes against peace and humanity; the offices themselves were, in practice, by far not so well organized as depicted in the Organization Book of the Party. Of the six or eight main offices called for there, in practice only one or two were staffed."

COMMISSIONER TAYLOR: Are there any objections to the affidavit? Let the affidavit of Reinhard Schoen be marked Political Leaders Affidavit No. 35 for identification.

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The other affidavit in Group 1 is of Dr. Walter Schulz, Gau-Hauptstellenleiter Culture in the Gau Propaganda Office, Gaul Nether Silesia from 1935 to 1945, the summary of which is as follows:

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"The material sent to the Amtstraeger for propaganda in the Gaus and Kreise by the Reichs Propaganda Leadership for the execution of their work did not contain any plans or instructions in the sense of the crimes charged by the Prosecution; of criminal plans of individual party offices or Party Leaders the Political Leaders in the Kreis and Gau Propaganda Offices could not know anything, because such topics were not mentioned in the information files at their disposal; this is especially true of the Political Leaders employed in a Culture-Political Sector because they did not receive any instructions beyond what was purely artistic or cultural. About 90 percent of all Political Leaders in Silesia did not hear of the events of the 8th and 9th of November 1938 until the next day by hearsay or through the press and radio. They had not participated in the planning or preparation and were opposed to this action. The Propaganda Offices in collaboration with the German Labor Front saw to the catering to of foreign workers as well as to the procuring of installations and fittings for social rooms, theaters, musical instruments, books, and magazines. The Propaganda Offices did not receive any instructions to the charge of lynch justice in the sphere of work in question; nor did cases of lynching justice become known. There was no connection as far as work was concerned with the group of questions concerning concentration camps for these Propaganda Offices. Their attitude towards religious denominations was defined by them by an order of the Gauleiter of Nether Silesia according to which all political leaders were forbidden to interfere in disputes with the churches. Besides this, the discussion of all questions concerning christianity and the churches in ~~xxxxx~~ public meetings of the NSDAP had been forbidden by a decree of the Reichs Propaganda Chief as early as 1937.

"Of the approximately 600 Political Leaders employed in the Gau Nether Silesia in propagandistic and cultural political work, about 4% did so by profession, about 96% were honorary workers; about 70% of them were members of a christian denomination."

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COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Walter Schulz? Let the affidavit be marked Political Leaders Affidavit No. 36 for identification.

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Next I shall present an affidavit by ~~Reichsschatzmeister~~ Karl Kuenzler of the 10th of July 1946, who was employed in the office of Reichs Treasurer Schwarz, concerning the second group, that is Party Administration. This affidavit represents the organization and scope of work of the Administration of Finance of the NSDAP on a level of the Orts, Kreis and Gaus. The summary is as follows:

"The heads of Cash Offices of the Ortsgruppen, Kreiskassen and Gauschatzmeiser concerned themselves exclusively with administrative and finance technical work. They did not take part in any operational political work whatsoever. Their appointment did not take place through the political leadership but through the Reichs Treasurer and his offices. Only a part of those employed in the administration of finance of the NSDAP were appointed political leaders. These appointments did not have anything to do with their execution of work. This work remained purely financial and administrative without any political activity."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Karl Kuenzler? Let the affidavit be marked Political Leaders Affidavit No. 37 for identification.

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Within the third group, which is composed of the great number of professional and specialist offices, I differentiate between a), the specialist experts acting as liaison men coming from the Party Organizations; b), professional representations; c), general specialist offices and specialist advisers; d), specialist offices of welfare and care.

To the sub-group a, belong: NS-Frauenschaft (Women's League) NSD-Dozentenbund

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(League of University Lecturers); and NSD-Studentenbund (Student League.) These are independent Party organizations. They have no connections with the Hoheitstraegern by being attached to their staff. The local fuehrers, however, are at the disposal of the Kreis and Gauleiter merely as experts. Regarding this issue the following witnesses have been heard before the Commission:

Erna Westernacher and

Else Paul, both NS-Frauenschaft, and

Dr. Chudoba (NSD-Dozentenbund-u. NSD-Studentenbund)

Supplementary to the NS-Frauenschaft, I am submitting an affidavit by Aleida Kynass, Gauabteilungsleiterin Mutterdienst (Motherhood Service) Gau Berlin and Gau-Frauenschaftsleiterin in the Gau Tirol-Vorarlberg. The summary is as follows:

"The section chiefs in the offices of the NS-Frauenschaft, registered society, were subordinate and in their work responsible only to the Gaufrauenschaftsleiterin; they received their professional directives from the Reichsfrauenfuehrerin. During the entire activity they had no connection in line of duty with the Gauleiter or one of his co-workers."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Aleida Kynass? Let the affidavit be marked Political Leaders Affidavit No. 38 for identification.

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I now submit affidavit of Dr. Hildegard Brauns, Kreisfrauenschaftsleiterin in Wesermuende from 1937 to 1945, the summary of which is as follows:

"All directives pertaining to their work were issued to the Kreisfrauenschaftsleiterins only from the Gaufrauenschaftsleiterin and they were responsible only to her. They had their own offices, which were never visited by the Kreisleiters. They participated in the enlarged official conferences of the Kreisleiter. The authorities also were present there. They had to leave the room during the conferences of the

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more immediate staff which usually followed the enlarged conferences. Frauenschaftsleiterins were never called up for political tasks."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Hildegard Brauns? Let the affidavit be marked Political Leaders Affidavit No. 39 for identification.

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Sub-Group b) (Professional Representations) have this in common, that their Amtstraeger (Executive employees) in their capacity as local leaders of the independent so-called attached associations of organized professions simultaneously belonged to the staffs of the Kreis and Gauleiter as representatives of the interests and expert advisers pertaining to matters of their respective professional groups. Individually they are :

* NS-Lehrerbund (Teachers League) Amt fuer Erzieher (Educator's Office)

Reichsbund Deutscher Beamter (Reich League of German Civil Service Employees)

Amt fuer Beamte (Office for Civil Service Employees)

NS-Bund Deutscher Techniker (Technician's League) Amt fuer Technik (Office for Technic)

NSD-Aerztebund - (Physician's League) Amt fuer Volksgesundheit (Office for National Hygiene)

NS-Rechtswahrerbund (Lawyer's League) Rechtsamt (Office for Jurisprudence)

* The affidavit pertaining to the Educator's Office cannot be submitted at present. Witness applied for has not as yet arrived here.

I now submit the affidavit of Dr. Bernd von Schenk for the Office for Civil Service Employees, the summary of which is as follows:

"The connection between the Local Leaders of the Reichsbund Deutscher Beamter as a professional organization and the staffs of the Hoheitstraeger consisted of the leaders being simultaneously Amtsleiter of the Offices for Civil Service Employees.

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These offices were regularly filled by honorary employees; the Amtsleiter were exclusively professional advisers of the Hoheitstraeger. They had no duties pertaining to political leadership and they received the directives solely from the Amtstraeger who was their professional superior; they did not participate in the conferences of the Hoheitstraeger with their "staff officers" either; they had nothing to do with the preparations or executions of the crimes charged by the prosecution; they did not even regularly hold rank as a Political Leader. The Offices for Civil Service Employees ~~kkxk~~ closed down in 1943 ~~x~~ because their work was not considered as essential to the war effort."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Bernd von Schenk? Let the Affidavit be marked Political Leaders Affidavit No. 40 for identification.

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An affidavit is now submitted for the Kreis and Gau Office for Technic. It is by Karl Schoeneberger, Kreisamtsleiter in the Office for Technic, Cologne, (Gau Cologne-Aachen) from 1934 to 1945, the summary of which is as follows:

"The Offices for Technic were established in 1934. The at that time existing Technicians and Engineers associations were ~~compulsed~~ co-ordinated in the NS Technician's League. The Offices for Technic were no political leadership offices. They only had ~~kkx~~ a professional task. This extended mainly in preparing plans pertaining to Technic and Science (Economics of Energy, Construction, Traffic, Factory Protection, Protection of Inventors.) The Amtsleiter had to advise the Hoheitstraeger in these matters. They were prohibited from issuing so-called political character testimonials or other political judgments. They were called to the conferences with the Hoheitstraeger only inasfar as special tasks of the Office for Technic were concerned. Such conferences did not touch upon any points which fell within the ~~xrimax~~ sense of the crimes with which the Organization is charged."

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COMMISSIONER TAYLOR: Are there any objections to the affidavit of Karl Schoeneberger? Let the Affidavit be marked Political Leaders Affidavit No. 41 for identification.

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I now submit affidavit by Bruno Paul Mackels, Gauamtsleiter for Technic, Gau Pommern-Stettin from 1938-1945, summary of which is as follows:

"The detailed discussion of the tasks put to the Gau Offices for Technic shows that they did not carry within themselves the intention to commit crimes against peace, against the rules and customs of war, and against humanity. The Offices for Technic were purely professional offices who had to give advice in affairs pertaining to Technic, Technical Economics and Technical Scientific Matters. All work was done without pay and as a side-line. The loose connection with the Hoheitstraeger derived from the fact that the Gau Office for Technic frequently was located in a different locality than the Office of the Gauleiter."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Bruno Paul Mackels? Let the Affidavit be marked Political Leaders Affidavit No. 42 for identification.

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The affidavit of Dr. Alfred Sasse, Physician and Leiter of the Kreis Office for National Hygiene in the Kreis Iserlohn/Westphalia from 1936 to 1945 is submitted ~~for~~ in behalf of the Offices for National Hygiene. The summary is as follows:

"The local leaders of the NSD-Physician's League simultaneously were leaders of the Kreis or Gau Offices for National Hygiene on the staff of the Hoheitstraeger. In this capacity they also acted without remuneration. Their task was exclusively a medical professional one. The medical care which came within their competency not only benefited party members but all German Nationals generally. The Hoheitstraeger

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did not have any possibility to interfere with the activities of these physicians in their capacity as Amtsleiter. They had nothing to do with the tasks or measures taken by the Political Leadership. There was no connection between the purely medical activity and the crimes enumerated by the prosecution. They also did not deal with race political research, directives pertaining to ~~marria~~ hereditary biology and problems of marriage laws; their whole work was based on the assumption of a permanent peace; they were not called to participate in conferences of the more immediate staff so that they lacked any special political orientation."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Alfred Sasse? Let the Affidavit be marked Political Leaders Affidavit No. 43 for identification.

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I now submit affidavit by Dr. Paul Steinhauser, Kreis-Rechtsamtsleiter Augsburg, (Gau Schwaben) which shows the tasks of the Office for Jurisprudence and that they merely had an organizational connection with the Hoheitstraeger. The summary is as follows:

"The Leiter of the independent professional organization NS-Rechtswahrerbund were simultaneously i.e., in personal union, the Kreis or Gau-Rechtsamtsleiter on the staffs of the Hoheitstraeger. In this capacity they participated only rarely in the conferences of the Kreis staff and only if there was a special professional reason for it. Their main task after the incipient work pertaining to Rechtsbetreuung (legal care) was found almost exclusively with the Rechtswahrerbund; it dealt purely with tasks pertaining to jurisprudence; these offices and functionaries had nothing to do with general political or even legal political tasks. The activity did not bring about any contact with the events which are the basis for the charges. The fact that the Offices for Jurisprudence did not have any political significance can best be derived from the fact that they were dissolved in 1942 in Kreis and Gau as not being essential

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to the war effort."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Paul Steinhauser? Let the affidavit be marked Political Leaders Affidavit No. 44 for identification.

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The Sub-Group c) - General Specialist Offices and Specialist Advisers, comprises the following offices:

DAF-Obmaenner (Foremen of the German Labor Front)

Handwerk und Handel (Artisans and Commerce)

Amt fuer Agrarpolitik (Office for Agricultural Policies)

Amt fuer Kommunalpolitik (Office for Municipal Policies)

Wirtschaftsberater (Economic Adviser)

Beauftragte fuer Rassenpolitik (Deputies for Racial Policies)

The following affidavits are submitted for the above: Affidavit by Richard Haller, Kreisobmann DAF, Neu-Ulm, summary of which is as follows:

"The DAF administrations on Ort, Kreis and Gau level, were definitely offices of the DAF as an association which was attached to the NSDAP but which otherwise was independent. The connection between this independent association and the Leadership offices consisted in the respective foremen ~~x~~ on Ort, Kreis and Gau level, being simultaneously in personal union Amtsleiter on the staff of the respective Hoheits-traeger. They also were sometimes Hauptstellen, respectively Stellenleiter. The task was definitely a professional one, their duties were essentially social ones. The DAF-Obmaenner were professional advisers of the Hoheitstraeger. However, ~~they~~ their professional and working directives were issued not from the Hoheitstraeger but from the DAF administration immediately superior. The work of the political leiter in the DAF was slanted exclusively toward peace. Their social work did not ~~consist~~ constitute a contribution to the preparation of war and to the commiting of war crimes."

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COMMISSIONER TAYLOR: Are there any objections to the affidavit of Richard Haller? Let the Affidavit be marked Political Leaders Affidavit No. 45 for identification.

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Affidavit pertaining to the Office for Artisans and Commerce cannot be submitted at present. The ~~xxxxxxxxxxxxxx~~ two required witnesses have not as yet arrived.

To supplement and support the testimony of witness Johann Adam Mohr the affidavit of the former Reichsminister for Food and Agriculture, Reich Farmer Leader and Reich Leiter of the Agrarpolitical Apparatus, Richard Walter Darré is submitted. The summary is as follows:

"The Amts for Agricultural policies on the staffs of the Hoheitstraeger did not originate by order of the Party Organization. To the contrary they had to maintain their position by a steady struggle against supreme Party Leadership. Their functionaries did not have any political authority. They merely represented the interests of the agricultural level. That is why in practice they frequently were in opposition to the Hoheitstraeger who were irritated by their independence. In 1942 the Agrarpolitical Apparatus was dissolved because of this independence. The newly established Amt fuer das Landvolk (Farmer's Office) was to eliminate the idea of the self-administration of professional levels in favor of the totality claim of the Party. Due to the resistance of the Farmer Leaders this goal was not achieved up to the time of the collapse. Thus it was that not only the representativesof the Farmers in the professional organization of the Reichs Food Estate but in particular the functionaries of the Agrarpolitical Apparatus and of the Farmers Office remained in conscious and desired opposition to the leadership organization of the Party and its Hoheitstraeger from the establishment ~~of~~ in 1930 to the collapse in 1945. These functionaries not only did not receive any directives to resign from the church but the Reich Farmer Leader in 1934 even issued a direct prohibition to resign from the church. This prohibition remained

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in existence for a number of years. When it was repealed in 1939-1940, due to ~~khm~~ pressure by Bormann it was done in such a manner that practically nothing was changed in the attitude of the Farmer Leaders toward the Church."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of ~~mf~~ Richard Walter Darre? Let the Affidavit be marked Political Leaders Affidavit No. 46 for identification.

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I now submit two affidavits for the Office of Municipal Policies. The first is affidavit of Dr. Robert Plank, from the Office of Municipal Policies in Nurnberg, Gau Franken, summary of which is as follows:

"While the primary task of the Party dealt with "Menschenfuehrung," (Leading the People), i.e., to influence the masses from a Party political point of view, the Office of Municipal Policies as ~~ks~~ merely a professional office dealt with legal and administrative matters within the framework of the German Municipal Statutes. There was only a little work; ~~mmxx~~ months passed without any work at all. The staff of co-workers provided for by the plan of organization either was merely on paper or it was utilized to enable men who were employed in representative positions to wear a Party uniform on official occasions. The Kreisleiter or Gauamtsleiter for ~~khm~~ Municipal Policies was always serving without pay, i.e., he acted in addition to his actual job as for instance Municipal Councillor. He did not employ any special help or had at his disposal any office. The Hoheitstraeger themselves showed little or no interest in the work of the Office of Municipal Policies which they could not influence. It seemed full of red tape to them and that is why these Amtstraeger did not call on the Municipal Policy functionaries for advice regarding any Party Political Leadership problems. That is why these Amtstraeger could not have participated in any conspiracy nor could they have had anything to do with the execution of any crimes."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Robert Plank? Let the affidavit be marked Political Leaders Affidavit No. 47 for identification.

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I now submit the second affidavit for the Office of Municipal Policies, by Kurt Petersen, Kreisamtsleiter des Amtes fuer KommunalPolitik from 1934 to 1945 in Schleswig-Holstein. This affidavit emanating from a Gau geographically opposite confirms the completely unpolitical nature of these offices. The summary is as follows:

"Functionaries
"~~Employees~~ for these offices were not selected because they were political fighters but because they were professionally qualified. They were, for instance, Burgomeisters because these understood municipal problems. Their activity was completely meaningless. In public, that is to say, in the Kreis areas, almost nobody knew of the existence of such offices. The Amtsleiter had no co-workers. Frequently they were not consulted all year. Their negligible activity did not bring about any connection with the crimes charged by the prosecution. At the occasion of a change of position the witness has given all the files to a private firm as waste paper. This shows that there was nothing in connection with these offices requiring secrecy and nothing which any third party could not see."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Kurt Petersen? Let the affidavit be marked Political Leaders Affidavit No. 48 for identification.

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The next affidavit submitted concerns the activity of a Gauwirtschaftsberater, (Gau Economic Adviser.) It is made by the Syndikus der Industrie- und Handelskammer (Corporation Lawyer of the Chamber of Industry and Commerce) ~~xxxxxx~~ and Manager of the Rheinischen Braunkohlensyndikat, Dr. Paul Heinen. The summary is as follows:

"The Gau Economic Advisers always were men of industry and frequently they were identical with the Leiter of an organization of industrialists. Their task consisted of advising the offices of the Party and of the State as well as the general public in economic matters. To a great extent these problems coincided with the tasks of the Chamber of Industry ~~xxx~~ and Commerce. They pertained to the elimination of unemployment

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by the Government ordering from private firms, drafting of larger traffic projects, expert opinions and suggestions for efficient organization of business and reform of banks and stock exchanges. Contact in line of duty with the Hoheitstraeger was negligible. While the witness was active for almost two years, only once did he have the occasion to report to the Gauleiter in person."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Paul Heinen? Let the affidavit be marked Political Leaders Affidavit No. 49.

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I now submit an affidavit by Dr. Erich Baumeister, Physician and Deputy for Racial Policies in Muenster, Gau Westfalen-Nord; regarding position and activities of the Beauftragten für Rassenpolitik (Deputy for Racial Policies), it states:

"These offices are in existence only since 1934. The tasks of their Leiter were limited to dealing with all problems of the population policies. They dealt with them on a purely scientific basis. On the basis of the criteria of the science of heredity anthropology, and racial hygiene, that is to say, on the basis of internationally recognized areas of research, the offices did not deal with the planning and execution of measures against the Jews. Their functionaries for the largest part were active without pay and were in very loose contact only with the Hoheitstraeger. These had no appreciation of scientific work and frequently did not even know that there were such offices. They were not authorized to issue professional directives. The deputies for racial policies participated only on those staff conferences which were also attended by representatives of the authorities and during which no plans or measures were discussed which could be considered as indecent from a human point of view. During his several years of activity the witness did not call on his Gauleiter even once in line of duty. Only a small part of the deputies for racial policies carried the rank as Political Leiter. They were not even required to be members of the NSDAP."

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COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Erich Baumeister? Let the affidavit be marked Political Leaders Affidavit No. 50 for identification.

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The last group, d), ~~Specialist Offices~~ of the Professional and Specialist Offices, deals with the Offices of Welfare and Care, i.e., the Volkswohlfahrt und dem Amt fuer Kriegsopfer (Peoples' Welfare and Office for War Victims).

The witness, Anton Schueller, who was active in several Kreise of Western Germany has been heard regarding position and activity of the National Socialist Welfare functionaries on the staffs of ~~kx~~ the Hoheitstraeger. To support this testimony I now submit affidavit by Robert Neumann, Gauamtsleiter in the Gaus Schleswig-Holstein and Franken, summary of which is as follows:

The Gauamtsleiter NSV fulfilled the same function as that performed in the professional offices of the NSV. They merely pertained to welfare and care and included all persons living within Germany. The activity was regulated by the directives of the superior professional NSV office. The Amtsleiter did not have a staff of their own either nor did they have an organization. Not even was there a spatial connection between NSV Amtstraegers and the Kreis or Gauleiter. For example, the Gauamtsleitung NSV from Schleswig-Holstein was located for many years in Altona, while the Gauleiter Schleswig-Holstein was located in Kiel."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Robert Neumann? Let the affidavit be marked Political Leaders Affidavit No. 51 for identification?

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I now submit affidavit by Josef Fink, Gauamtsleiter for War Victims from 1933 to 1945 in Gau Schwaben, summary of which is as follows:

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"Like the corresponding Amtsleiter of the NSV, the Kreis and Gauamtsleiter of the ~~NSV~~ NS Care for War Victims Registered Society belonged to the staff of the Hoheitstraeger merely because they had to advise the Hoheitstraeger in their capacity as local leaders of the Kreis and Gau Offices of the National Socialist Care for War Victims Society. In this they depended on the professional directives of their superior NSKOV Offices. They were strictly prohibited from exercising any political influence. They did not have any regular conferences with the Hoheitstraeger either so that they called on the Gauleiter in the line of duty only at great intervals. They did not have their own staff and under certain circumstances they did not even have working quarters in the Gauleitung."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Josef Fink? Let the affidavit be marked Political Leaders Affidavit No. 52 for identification.

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COMMISSIONER TAYLOR: Dr. Link, do you have any further affidavits which you desire to present at this time?

DR. LINK: Just the bulk affidavits which are being worked on in the Gymnasium. The procedure which has been adopted in handling the bulk affidavits is that they are being separated according to the eight individual charges of the indictment, that is, according to lynch justice, concentration camps, churches, Jews, and so on, by a man whom we have selected, an internee of a camp, to sort them, ~~xxx~~ to look them over and analyze them. He in his turn is to write an affidavit saying that he had sorted and handled so many thousands of affidavits with just the main ~~xxxxx~~ points given in his affidavit concerning the contents as a whole with perhaps one or two of the important affidavits submitted.

The second procedure adopted is as follows: I have selected two camps, a small camp Garmisch and a small camp Darmstadt, and have had statisticians come here who are going to make reports, cross-cut or birds-eye-view reports on conditions,

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guarding, etc., in these camps.

COMMISSIONER TAYLOR: Is that in the form of an affidavit or a witness before the Tribunal?

DR. LINK: In the form of an affidavit.

COMMISSIONER TAYLOR: When will you have those ready, Dr. Link?

DR. LINK: They are being written now and they could be presented Wednesday.

COMMISSIONER TAYLOR: That will be fine. You have no further affidavits to present at this time?

DR. LINK: No.

(The Commission adjourned until 30 July at 1000 hours.)

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The foregoing is a true and correct transcript of the submission of affidavits by Dr. Link on behalf of Political Leaders, taken on 29 July 1946.

Mabel A. Lesser
Reporter

CERTIFIED TO:

Geo. A. Taylor
Commissioner

Nuernberg, den 25.7.46

Affidavit-Vorlage II/fuer Organisation Politische Leiter.

Die Verteidigung legt Affidavits vor, die die Stellung und den Aufgabenkreis der in den Staeben der Kreis- und Gauleiter zusammengefassten, von der Anklage als Stabsoffiziere bezeichneten Amtstraeger aufzeigen sollen. Es soll dargetan werden, dass diese Staebe der Hoheitstraeger aus folgenden, nach Bedeutung und Aufgabenkreis voellig verschiedenen Gruppen bestanden haben:

1.) Politische Fuehrungsaemter

2.) Parteiverwaltung

3.) Berufs- und Fachaemter

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Den in den Gruppen 2 und 3 zu eroerternden Aemtern ist eines gemeinsam, dass naemlich ihre Traeger nebst evtl. Mitarbeitern zwar organisatorisch in den sogenannten Stab des Kreis- und Gauleiters eingebaut waren, dort aber kein politisches Aufgabengebiet hatten, ihre Taetigkeit vielmehr bestimmt war von fachlichen Gesichtspunkten, insbesondere der Wahrung berufsstaendischer Interessen. Dementsprechend waren sie zwar dem Hoheitstraeger disziplinaer unterstellt; diese durften ihnen in ihre Arbeit aber nichts hineinreden; Die Weisungen hierfuer bezogen sie von ihrer vorgesetzten Fach-Dienststelle. Das war der Grund dafuer, dass in der Praxis diese fachlichen und beruflichen sogenannten Stabsoffiziere keine willfaehrigen Werkzeuge des Hoheitstraegers waren und sein konnten, vielmehr haeufig im Gegensatz zu dem Kreis- oder Gauleiter standen.

Die lose und nur aus organisatorischen, von dem Totalitaetsanspruch der Partei diktierten Gruenden bestehende Verbindung dieser Gruppen zeigt sich an einer Reihe von aeusseren Merkmalen und Umstaenden, insbesondere durch die Nichtbeteiligung an den Besprechungen des Hoheitstraegers und seinen politischen Amtstraegern.

Ich lege zur Gruppe 1 (Politische Fuerhungsaemter), aus denen das Schulungs- und das Propagandaamt herausragen, je 1 Affidavit vor und zwar:

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Affidavit

Reinhard S c h o e n, Gauschulungsleiter Mainfranken:

Die Schulungsarbeit war ihrem Wesen nach eine Arbeit des Friedens, wie der dargebotene Lehrstoff beweist, Kampf gegen die Kirchen oder Zwang zum Kirchenaustritt war in der Schulung verboten; die Anweisungen waren nicht geheim, sie gingen nicht auf den Zusammenschluss der Politischen Leiter im Sinne irgendeiner Verschwoerung oder zur Vorbereitung eines Angriffskrieges bzw. auf die Planung oder Durchfuehrung von Kriegs- oder Humanitaetsverbrechen; die Aemter selbst waren in der Praxis bei weitem nicht so durchorganisiert, wie es im Organisationsbuch der Partei vorgesehen war. Von den dort gewuenschten 6 oder 8 Hauptstellen waren in der Praxis nur 1 oder 2 besetzt.

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Das andere Affidavit

stammt von Dr. Walter S c h u l z, Gau-Hauptstellenleiter Kultur im Gau-Propagandaamt, Gau Niederschlesien von 1935 - 1945:

Das den Amtstraegern fuer Propaganda in den Gauen und Kreisen von der Reichspropagandaleitung fuer die Durchfuehrung ihrer Arbeit zugehande Material enthielt keine Plaene und Anweisungen im Sinne der von der Anklage behaupteten Verbrechen; von verbrecherischen Plaenen einzelner Parteidienststellen oder Parteifuehrer konnten die Politischen Leiter in den Kreis- und Gau-Propagandaaemtern nichts wissen, weil solche Themen in den ihnen verfuegbaren Informationsunterlagen nicht angesprochen worden sind; dies gilt fuer die auf dem kulturpolitischen Sektor taetigen Politischen Leiter ganz besonders, weil diese Anweisungen ueber das rein kuenstlerische bzw. kulturelle Gebiet hinaus ueberhaupt nicht erhielten. Von den Vorgaengen des 8./9.11.38 erfuhren etwa 90% aller Politischen Leiter in Schlesien erst am naechsten Tag vom Hoerensagen oder durch ~~die~~ Presse und Rundfunk; sie waren an der Planung oder Vorbereitung nicht beteiligt und nahmen gegen die Aktion Stellung; ~~und~~ fuer die Betreuung der auslaendischen Arbeiter haben die Propagandaaemter in Zusammenarbeit mit der DAF fuer Einrichtung und Ausgestaltung von Gemeinschaftsraeumen und Theatersaelen, Beschaffung von Musikinstrumenten, Buechern und Zeitschriften gesorgt. Anweisungen zum Anklagepunkt Lynchjustiz haben die Propagandastellen in dem fraglichen Wirkungsbereich nicht erhalten, auch sind Faelle von Lynchjustiz nicht bekannt geworden. Ein arbeitsmaessiger Zusammenhang mit dem Fragenkomplex Konzentrationslager bestand fuer die Propagandaaemter nicht. Die Stellung zu den Konfessionen war fuer sie durch eine Anordnung des Gauleiters von Niederschlesien umrissen, derzufolge es saemtlichen Politischen Leitern untersagt war, in Auseinandersetzungen mit den

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Kirchen einzugreifen. Ausserdem war durch Erlass des Reichspropagandaleiters schon seit 1937 die Eroerterung aller das Christentum und die Kirchen betreffenden Fragen in oeffentlichen Versammlungen der NSDAP verboten worden.
Von den etwa 600 im Gau Niederschlesien auf propagandistischem und kulturpolitischen Gebiet taetigen Politischen Leitern waren etwa 4% hauptamtlich, ca. 96% ehrenamtlich beschaeftigt; zu etwa 70% gehoerten sie einer christlichen Konfession an.

H1058 – 0023

Zur zweiten Gruppe, d.i. die Parteiverwaltung, lege ich ein Affidavit des seit 1937 beim Reichsschatzmeister Schwarz taetigen Karl K u e n z l e r vom 10.7.46, das die Nummer 37 traegt, vor, das die Organisation und den Aufgabenkreis der Finanzverwaltung der NSDAP auf Orts-, Kreis- und Gauebene darstellt.

Die Ortsgruppen-Kassenleiter, Kreiskassenleiter und Gauschatzmeister waren ausschliesslich mit verwaltungs- und finanztechnischen Aufgaben befasst. Sie nahmen an irgendwelchen fuehrungspolitischen Aufgaben nicht teil. Ihre Berufung erfolgte auch nicht durch die politische Fuehrung, sondern durch den Reichsschatzmeister und dessen Dienststellen. Nur ein Teilder in der Finanzverwaltung der NSDAP Taetigen wurde zu Politischen Leitern ernannt. Diese Ernennung zum Politischen Leiter hatte mit der Aufgabenerledigung an sich aber nichts zu tun. Diese blieb eine rein finanz- und verwaltungsmaessige ohne jede politische Betaetigung.

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III

Innerhalb der 3. Gruppe, in der die grosse Zahl von Berufs- und Fachaemtern zusammgefasst ist, unterscheide ich zwischen

a) den fachlichen Verbindungsleuten aus Parteigliederungen,

b) den Beruftsvertretungen,

c) den allgemeinen Fachaemtern und Fachberatern,

d) den Fachaemtern der Wohlfahrt und Betreuung.

Zu der Untergruppe a) gehoeren:

H1058 - 0025

NS-Frauenschaft, NSD-Dozentenbund und NSD-Studentenbund. Es handelt sich hier um selbstaendige Gliederungen der Partei die keine Verbindung zu den Hoheitstraegern durch ein Amt in deren Stabe haben, deren oertliche Fuehrer vielmehr nur in ihrer Person als fachliche Verbindungsleute den Kreis- bzw. Gauleitern beratend zur Verfuegung stehen. Hierzu sind vor der Kommission

Zeugin Erna W e s t e r n a c h e r und
Zeugin Else P a u l (beide NS-Frauenschaft) und
Zeuge Dr. C h u d o b a (NSD-Dozentenbund- u.NSD-Studentenbund)

vernommen worden. Zur Ergaenzung fuer die NS-Frauenschaft lege ich vor:

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Affidavit

Aleida K y n a s s, als Gauabteilungsleiterin Muetterdienst, Gau Berlin und Gau-Frauenschaftsleiterin Gau Tirol-Vorarlberg.

Die Abteilungsleiterinnen in den Dienststellen der NS-Frauenschaft e.V. waren der Gaufrauenschaftsleiterin unterstellt und arbeitsmaessig nur ihr verantwortlich; sie erhielten ihre fachlichen Anweisungen von der Reichsfrauenfuehrerin. Sie hatten waehrend ihrer ganzen Taetigkeit keine dienstliche Beruehrung mit dem Gauleiter oder einem seiner Mitarbeiter.

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H1058 - 0027

Affidavit

Dr. med. Hildegard B r a u n s als Kreisfrauenschaftsleiterin in Wesermuende von 1937 - 1945.

Kreisfrauenschaftsleiterinnen erhielten alle Arbeitsanweisungen durch die Gau-Frauenschaftsleiterin und waren nur dieser verantwortlich; sie hatten eine eigene Dienststelle, die von den Kreisleitern nie besucht wurde. Sie nahmen an den erweiterten Dienstbesprechungen des Kreisleiters teil, bei denen auch die Behoerden zugegen waren und mussten bei den sich meist anschliessenden Besprechungen des engeren Stabes den Raum verlassen. Zu politischen Aufgaben wurden die Frauenschaftsleiterinnen niemals herangezogen.

H1058 - 0028

Der Untergruppe b) (Berufsvertretungen(ist gemeinsam, dass ihre Amtstraeger als oertliche Fuehrer der in selbstaendigen sogenannten angeschlossen/Verbaenden organisierten Berufe gleichzeitig den Staeben der Kreis- und Gauleiter als Interessenvertreter und fachliche Berater auf dem Gebiete der jeweiligen Berufsgruppe angehoerten. Im einzelnen handelt es sich um

NS-Lehrerbund - Amt fuer Erzieher

Reichsbund deutscher Beamter - Amt fuer Beamte,

NS-Bund deutscher Techniker - Amt fuer Technik,

NSD-Aerztebund - Amt fuer Volksgesundheit,

NS-Rechtswahrerbund - Rechtsamt.

H1058 - 0029

Fuer das Amt fuer Erzieher kann Affidavit noch nicht vorgelegt werden, weil der hierzu angeforderte Zeuge bis jetzt nicht eingetroffen ist.

H1058 - 0030

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Fuer das Amt fuer Beamte wird vorgelegt:

Affidavit

Dr. Bernd von S c h e n k :

Zwischen den oertlichen Fuehrern des Reichsbundes der deutschen Beamten als einer beruflichen Fachorganisation und den Staeben der Hoheitstraeger bestand dadurch eine Verbindung, dass erstere gleichzeitig Amtsleiter der Aemter fuer Beamte waren. Diese Aemter waren regelmaessig ehrenamtlich besetzt; die Amtsleiter waren ausschliesslich fachliche Berater des Hoheitstraegers, hatten keinerlei fuehrungspolitische Aufgaben und erhielten ihre Weisungen allein vom fachlich vorgesetzten Amtstraeger; sie nahmen auch an den Besprechungen der Hoheitstraeger mit ihren "Stabsoffizieren" nicht teil; mit Vorbereitung und Ausfuehrung der in der Anklage aufgefuehrten Verbrechen hatten sie nichts zu tun; sie hatten nicht einmal regelmaessig einen Dienstgrad als Politische Leiter. Seit 1943 sind die Aemter fuer Beamte stillgelegt, weil ihre Arbeit als nicht kriegswichtig betrachtet wurde.

H1058 – 0031

Fuer das Kreis- und Gauamt fuer Technik wird je 1 Affidavit vorgelegt.

H1058 – 0032

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Affidavit

Karl S c h o e n e b e r g e r , Kreisamtsleiter im Amt fuer Technik, Koeln (Gau Koeln-Aachen) von 1934 - 1945:

Die Aemter fuer Technik wurden 1934 gegruendet. Die damals bestehenden technischen- und Ingenieur-Verbaende wurden im NS-Bund deutscher Technik zusammengefasst. Die Aemter fuer Technik waren keine politischen Fuehrungsaemter sondern hatten nur eine fachliche Aufgabe, die in der Hauptsache in der Planungsarbeit auf technisch-wissenschaftlichem Gebiet (Energiewirtschaft, Bauwesen, Verkehrswesen, Betriebsschutz, Erfinderschutz) lag. Indieser Angelegenheiten hatten die Amtsleiter den Hoheitstraeger zu beraten. Die Ausstellung sogenannter politischer Fuehrungszeugnisse und sonstiger politischer Beurteilungen war ihnen untersagt. Zu Besprechungen beim Hoheitstraeger wurden sie nur insoweit hinzugezogen, als es sich um fachliche Aufgaben des Amtes fuer Technik handelte. Bei solchen Besprechungen wurden keine Punkte beruehrt, die im Sinne der der Organisation zur Last gelegten Verbrechen lagen.

H1058 - 0033

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Das Affidavit

stammt von dem Zeugen Bruno Paul M a c k e l s, Gauamtsleiter fuer Technik, Gau Pommern-Stettin von 1938 - 1945:

Aus der im einzelnen eroerterten Aufgabenstellung der Gauaemter fuer Technik geht hervor, dass diese nicht die Absicht zu Verbrechen gegen den Frieden, gegen Kriegsregeln und -Gebraeuche und gegen die Humanitaet in sich trugen. Die Aemter fuer Technik waren reine Fachaemter, die in technischen, technisch-wissenschaftlichen und technisch-wirtschaftlichen Angelegenheiten zu beraten hatten. Alle Arbeit ist unentgeltlich und nebenberuflich geleistet worden. Die lose Verbindung zu den Hoheitstraegern ergibt sich auch daraus, dass sich das Gauamt fuer Technik oft an einem ganz anderen Ort befand, als an dem, an dem der Gauleiter seinen Amtssitz hatte.

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Fuer die Aemter fuer Volksgesundheit wird

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Affidavit

von Dr. Alfred S a s s e, Arzt und Leiter des Kreisamts fuer Volksgesundheit, Kreis Iserlohn/Westf. - 1936 - 1945 -

vorgelegt:

Die oertlichen Fuehrer des NSD-Aerztebundes waren gleichzeitig Leiter der Kreis- bzw. Gauaemter fuer Volksgesundheit im Stabe der Hoheitstraeger. Sie waren auch in dieser Eigenschaft ehrenamtlich taetig und ihr Arbeitsgebiet war ein ausschliesslich fachlich-medizinisches. Die in ihre Zustaendigkeit fallende aerztliche Betreuung kam nicht nur Parteigenossen sondern allen Volksgenossen schlechthin zu gute. Eine Eingriffsmoeglichkeit der Hoheitstraeger/in die Taetigkeit dieser Aerzte als Amtsleiter bestand nicht. Mit Aufgaben und Massnahmen der politischen Fuehrung hattensie nichts zu tun. Ihre rein aerztliche Taetigkeit steht mit den in der Anklage aufgefuehrten Verbrechen in keinem Zusammenhang. Sie waren auch nicht mit rassepolitischen Forschungen, Anordnungen auf erbbiologischem Gebiet und Fragen des Eherechts befasst; ihre ganze Arbeit setzte einen dauerhaften Frieden voraus; zu Besprechungen des engeren Stabes wurden sie nicht herangezogen , sodass es ihnen an besonderer politischer Orientierung fehlte.

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Die Aufgaben der Rechtsaemter und ihre nur organisatorische Verbindung mit den Hoheitstraegern ergeben sich aus 44

Affidavit

Dr. Paul S t e i n h a u s e r, Kreis-Rechtsamtsleiter Augsburg, (Gau Schwaben):

Die Leiter der selbstaendigen Berufsorganisation NS-Rechtswahrerbund waren gleichzeitig, d.h. in Personalunion Kreis- bzw. Gau-Rechtsamtsleiter in den Staeben der Hoheitstraeger. In dieser Eigenschaft nahmen sie nur selten und nur aus besonderem fachlichen Anlass an den Sitzungen des Kreisstabes teil. Das Hauptarbeitsfeld lag nach anfaenglicher Arbeit auf dem Gebiet der Rechtsbetreuung nahezu ausschliesslich beim Rechtswahrerbund; es handelte sich um rein juristisch-fachliche Aufgaben; mit allgemeinen politischen oder auch nur rechtspolitischen Massnahmen hatten diese Aemter und Amtstraeger nichts zu tun. Ihre Betaetigung brachte auch keine Beruehrung zu den Vorgaengen die der Anklage zu Grunde liegen. Dass den Rechtsaemtern keine politische Bedeutung zukam, geht am besten daraus hervor, dass sie in Kreis- und Gau im Jahre 1942 als nicht kriegswichtig aufgeloest wurden.

H1058 - 0036

In der Untergruppe c) - allgemeine Fachaemter und Fachberater - werden folgende Aemter zusammengefasst:

DAF-Obmaenner
Handwerk und Handel
Amt fuer Agrarpolitik
Amt fuer Kommunalpolitik
Wirtschaftsberater
Beauftragte fuer Rassenpolitik

Hierzu werden vorgelegt:

H1058 – 0037

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Affidavit

Richard H a l l e r, Kreisobmann DAF, Neu-Ulm:

Die DAF-Waltungen auf Orts-, Kreis- und Gauebene waren ausgesprochene Dienststellen der DAF als eines der NSDAP nur angeschlossenen, im uebrigen aber selbstaendigen Verbandes. Die Verbindung zwischen diesem selbstaendigen Verband und den Fuehrungsstellen der NSDAP bestand in der Weise, dass der jeweilige Obmann auf Orts-, Kreis- und Gauebene in Personalunion gleichzeitig Amtsleiter im Stabe des betreffenden Hoheitstraegers und ein Teil seiner Mitarbeiter Hauptstellen- bzw. Stellenleiter waren. Das Aufgabengebiet war ein ausgesprochen fachliches, der Auftrag im wesentlichen ein sozialer. Die DAF-Obmaenner waren fachliche Berater des Hoheitstraegers, erhielten ihre fachlichen und sachlichen Weisungen aber nicht von diesem, sondern von den DAF-Waltungen auf naechsthoeherer Ebene. Die Arbeit der Politischen Leiter in der DAF waf ausschliesslich auf den Frieden abgestellt. Sie haben mit eihrer sozialen Arbeit einen Beitrag zur Vorbereitung von Kriegen und zur Begehung von Kriegsverbrechen nicht geleistet.

H1058 - 0038

Fuer das Amt fuer Handwerk und Handel kann noch kein Affidavit vorgelegt werden, weil die beiden hierfuer benoetigten Zeugen bisher nicht eingetroffensind.

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Das Affidavit
abgegeben von dem frueheren Reichsminister fuer Ernaehrung und Landwirtschaft, Reichsbauernfuehrer und Reichsleiter des Agrarpolitischen Apparates Richard Walter D a r r è wird zur Ergaenzung und Unterstuetzung der Aussage des Zeugen Johann Adam M o h r vorgelegt:

Die Aemter fuer Agrarpolitik in den Staeben der Hoheitstraeger entstanden nicht im Auftrag der Parteiorganisation, sondern mussten im Gegenteil in stetigem Kampf gegen die oberste Fuehrung der Parteiorganisation behauptet werden. Ihre Traeger hatten keine politischen Befugnisse und stellten nur die Interessenvertretung der baeuerlichen Ebene dar. In der Praxis standen sie deshalb oft im Gegensatz zu den Hoheitstraegern, denen ihre Selbstaendigkeit ein Dorn im Auge war. Wegen dieser Selbstaendigkeit wurde 1942 der Agrarpolitische Apparat aufgeloest und es sollte durch das neugegruendete Amt fuer das Landvolk der Gedanke der berufsstaendischen Selbstverwaltung zu Gunsten des Totalitaetsanspruchs der Partei aufgegeben werden. Dieses Ziel wurde infolge des Widerstandes der Bauernfuehrer bis zum Zusammenbruch im Ergebnis doch nicht erreicht, sodass nicht nur die Vertreter der Bauern in der berufsstaendischen Organisation des Reichsnaehrstandes, sonderen gerade auch die Amtstraeger im Agrarpolitischen Apparat und im Amt fuer das Landvolk vonder Gruendung 1930 bis zum Zusammenbruch 1945 in gewolltem und bewusstem Gegensatz zur Fuehrerorganisation der Partei und zu deren Hoheitstraegern standen.
Die Traeger dieser Aemter erhielten nicht nur keine Anweisungen, aus der Kirche auszutreten, sondern der Reichsbauernfuehrer hat 1934 sogar ein eindeutiges Kirchenaustritts-Verbot ausgesprochen. Dieses Verbot bestand eine Reihe von

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Jahren und als es 1939/40 auf den Druck Bormanns hin aufgehoben werden musste, geschah dies in einer Form, dass sich praktisch an der Kirchlichen Haltung der Bauernfuehrer nichts aenderte.

H1058 - 0041

Fuer das Amt fuer Kommunalpolitik lege ich 2 Affidavits vor.

H1058 - 0042

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Affidavit

Dr. Robert P l a n k aus dem Amt fuer Kommunalpolitik in Nuernberg, Gau Franken:

Waehrend die Hauptaufgabe der Partei in der "Menschenfuehrung", d.h. der parteipolitischen Beeinflussung der Allgemeinheit bestand, befasste sich das Amt fuer Kommunalpolitik als reines Fachamt mit Rechts- und Verwaltungsaufgaben im Rahmen der deutschen Gemeindeordnung.

Das Arbeitsmass war gering; es vergingen Monate, ohne dass ueberhaupt eine Arbeit anfiel. Der im Organisationsplan vorgesehene Mitarbeiterstab stand entweder nur auf dem Papier oder er wurde dazu benuetzt, Maennern, die in repraesentativer Stellung bei Behoerden standen, das Tragen der Partei-Uniform bei offiziellen Anlaessen zu ermoeglichen. Der Kreis- bzw. Gauamtsleiter fuer Kommunalpolitik war durchwegs ehrenamtlich, d.h. neben der eigentlichen hauptberuflichen Beschaeftigung beispielsweise als Stadtrat taetig und zwar ohne Anstellung besonderer Hilfskraefte und ohne besondere Bueroapparatur. Die Hoheitstraeger selbst brachten der Arbeit der Aemter fuer Kommunalpolitik, auf die sie keinen Einfluss hatten, wenig oder ueberhaupt kein Interesse entgegen, weil sie ihnen als "buerokratisch" erschienen und zogen diese Amtstraeger daher zu Beratungen ueber irgendwelche parteipolitischen Fuehrungsfragen grundsaetzlich nicht heran. Diese Amtstraeger koennen deshalb sich weder an einer Verschwoerung beteiligt, noch mit der Durchfuehrung irgendwelcher Verbrechen etwas zu tun haben.

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Das Affidavit

Kurt P e t e r s e n , Kreisamtsleiter des Amtes fuer Kommunal-Politik von 1934 - 1945 in Schleswig-Holstein, also einem ganz entgegengesetzt liegenden Gau, bestaetigt die voellig unpolitische Art dieser Aemter:

> Es wurden fuer sie nicht politische Kaempfer ausgewaehlt, sondern fachlich geeignete Personen, so beispielsweise Buergermeister, weil diese von gemeindlichen Fragen etwas verstanden haben. Ihr Wirken war voellig bedeutungslos. In der Oeffentlichkeit, das ist in den Kreisgebieten, hat fast niemand gewusst, dass es solche Aemter ueberhaupt gibt. Die Amtsleiter hatten keine Mitarbeiter. Sie wurden oft ein ganzes Jahr lang ueberhaupt nicht herangezogen. Ihre geringe Taetigkeit brachte keine Beruehrungspunkte mit den in der Anklage behaupteten Verbrechen.
>
> Der Zeuge hat gelegentlich eines Amtswechsels die saemtlichen angefallenen schriftlichen Unterlagen einer Privatfirma zur Altpapierverwertung uebergeben, woraus hervorgeht, dass mit diesen Aemtern nichts verbunden war, was der Geheimhaltung bedurft haette oder auch nur beliebigen Dritten nicht zugaenglich gemacht werden konnte.

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Das Affidavit
ausgestellt von dem Syndikus der Industrie- und Handelskammer in Bonn und Koeln und Geschaeftsfuehrer des Rheinischen Braunkohlensyndikats Dr. Paul H e i n e n und betrifft die Taetigkeit eines Gauwirtschaftsberaters:

> Die Gauwirtschaftsberater setzten sich grundsaetzlich aus Maennern der Wirtschaft zusammen und waren vielfach mit den Leitern einer Organisation der gewerblichen Wirtschaft identisch. Ihre Aufgabe bestand darin, die Dienststellen der Partei und des Staates, wie auch das allgemeine Publikum in wirtschaftlichen Fragen zu beraten. Diese Aufgaben deckten sich weitgehend mit den Aufgaben der Industrie- und Handelskammer, zur Beseitigung der Arbeitslosigkeit durch staatliche Auftragsvergebung, Heranziehung neuer Industrieen, Ausarbeitung von groesseren Verkehrsprojekten, Gutachten und Vorschlaege fuer eine zweckmaessige Organisation der gewerblichen Wirtschaft und Reform des Banken- und Boersenwesens. Die dienstliche Beruehrung mit dem Hoheitstraeger war gering. Der Zeuge selbst hatte waehrend einer fast 2 jaehrigen Taetigkeit nur einmal Gelegenheit, dem Gauleiter persoenlichen Vortrag zu halten.

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Zur Stellung und Taetigkeit der Beauftragten für Rassenpolitik erklaert das Affidavit
Dr. Erich B a u m e i s t e r, Arzt und Beauftragter fuer Rassenpolitik in Muenster, Gau Westfalen-Nord:

Diese Dienststellen bestehen erst seit 1934. Die Aufgaben ihrer Leiter beschraenktensich auf die Bearbeitung aller Fragen der Bevoelkerungspolitik und zwar geschah dies auf rein wissenschaftlicher Grundlage, naemlich nach den Erkenntnissen auf den Gebieten der Vererbungslehre, Anthropologie und Rassenhygiene, also international anerkannten Forschungsgebieten. Mit Planung und Durchfuehrung der Massnahmen gegen die Juden waren die Aemter nicht befasst. Ihre Traeger waren ueberwiegend ehrenamtlich taetig und standen in sehr loser Verbindung mit den Hoheitstraegern. Diese hatten fuer die wissenschaftliche Arbeit kein Verstaendnis und wussten oft nicht einmal dass es solche Aemter gab. Sie durften auch keine fachlichen Anweisungen geben. Die Beauftragten fuer Rassenpolitik nahmen nur an den Stabsbesprechungen teil, zu denen auch die Behoerden-Vertreter eingeladen waren und bei denen niemals von Plaenen oder Massnahmen die Rede war, die man als menschlich unanstaendig betrachten koeennte. Der Zeuge hat in mehrjaehriger Taetigkeit seinen Gauleiter nicht ein einziges Mal aus dienstlichem Anlass aufgesucht.
Nur ein kleiner Teile der Beauftragten fuer Rassenpolitik hatten Raenge als Politische Leiter; es war nicht einmal noetig, dass sie Mitglieder der NSDAP waren.

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H1058 - 0046

Die letzte Gruppe d) der Berufs- und Fachaemter befasst sich mit den Dienststellen der Wohlfahrt und Betreuung, naemlich dem Amt fuer Volkswohlfahrt und dem Amt fuer Kriegsopfer.

H1058 - 0047

Ueber Stellung und Arbeit der NSV-Amtstraeger in den Staeben der Hoheitstraeger ist der Zeuge Anton S c h u e l l e r, der in mehreren westdeutschen Kreisen taetig war, vernommen worden. Zur Unterstuetzung dieser Aussage wird 51

Affidavit

stammend von Robert N e u m a n n, Gauamtsleiter in den Gauen Schleswig-Holstein - Franken vorgelegt:

Die Taetigkeit der Gauamtsleiter NSV war die gleiche als die in den fachlichen Dienststellen der NSV ausgeuebte; sie warrein wohlfahrtspflegerisch und schloss alle in Deutschland lebenden Personen ein. Sie war bestimmt durch die Weisungen der vorgesetzten Fachdienststelle der NSV. Die Amtsleiter hatten auch keinen eigenen Stab und keine Organisation und es war nicht einmal die raeumliche Bindung zwischen den NSV-Amtstraegern und dem Kreis- bzw. Gauleiter durchgefuehrt. So befand sich die Gauamtsleitung NSV fuer Schleswig-Holstein jahrelang in Altona, waehrend der Gauleiter Schleswig-Holstein in Kiel sass.

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Aus dem Affidavit

Josef F i n k, Gauamtsleiter fuer Kriegsopfer 1933 - 1945 im Gau Schwaben, ergibt sich:

Die Kreis- und Gauamtsleiter der NS-Kriegsopferversorgung e.V. gehoerten in gleicher Weise wie die korrespondierenden Amtsleiter der NSV nur deshalb zum Stabe des Hoheitstraegers, weil sie als oertliche Fuehrer der Kreis- und Gaudienststellen der NSKOV e.V. den Hoheitstraeger zu beraten hatten. Sie waren dabei von den fachlichen Richtlinien ihrer vorgesetzten NSKOV-Dienststelle abhaengig. Politische Einflussnahme war ihnen ausdruecklich verboten. Sie hatten auch keine regelmaessigen Besprechungen mit den Hoheitstraegern, sodass sie in grossen Zeitabstaenden nur dienstlich zum Gauleiter kamen. Sie hatten keinen eigenen Stab, in gegebenem Falle nicht einmal einen Arbeitsraum bei der Gauleitung.

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

COMMISSIONER:

Mr. George R. Taylor.

POLITICAL LEADERS

(THE COMMISSION ADJOURNED 1400 HOURS)

COMMISSIONER TAYLOR: Dr. Link, we will proceed to hear the affidavits on behalf of the Political Leaders.

DR. LINK: My third group of affidavits for the Political Leaders will be those concerning the position and sphere of work of the staff officers called "Amtstraeger" and included by the prosecution in the staff of the Kreis and Gauleiter. They are to show that these staffs of Hoheitstraeger consisted of the following and in significance and work quite different groups:

1. Political Operational Offices.
2. Party Administration.
3. Vocational and Special Offices.

The offices to be discussed in Groups II and III have one thing in common, that is, that their members, together with any collaborators were built into the so-called staff of the Kreis and Gauleiter as far as organization is concerned, but did not have any political sphere of work. Their work was, rather, distinguished by certain special characteristics especially as far as the maintaining of professional interests was concerned. Accordingly, they were under the jurisdiction of the Hoheitstraegar as far as discipline was concerned but the Hoheitstraeger were not allowed to interfere with their works. The instructions for this were given by the superior

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sectional office. The reason for this was that in practice these vocational and special so-called staff officers were no wanton tools of the Hoheitstraeger nor could they be such, but rather were frequently opposed to the Kreis or Gauleiter.

The loose connection of these groups that existed only because of organizational reasons dictated by the claim for totality by the Party is shown by a series of outer signs and conditions especially by non-participation in meetings of the Hoheitstraeger and his political Amtstraeger. I shall present one affidavit each for Group 1 (Political Operational Offices) out of which the training and propaganda office arose.

I now submit the affidavit of Reinhard Schoen, Gauschulungsleiter of Mainfranken, summary of which is as follows:

"Essentially training was a work of peace, as is shown by the curriculum submitted; the fight against church or compulsion to resign church membership was forbidden in this training; the instructions were not secret and they did not concern themselves with the union of Political Leaders in the sense of any conspiracy or for the preparation of an aggressive war or the planning or execution of crimes against peace and humanity; the offices themselves were, in practice, by far not so well organized as depicted in the Organization Book of the Party. Of the six or eight main offices called for there, in practice only one or two were staffed."

COMMISSIONER TAYLOR: Are there any objections to the affidavit ? Let the affidavit of Reinhard Schoen be marked Political Leaders Affidavit No. 35 for identification.

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The other affidavit in Group 1 is of Dr. Walter Schulz, Gau-Hauptstellenleiter Culture in the Gau Propaganda Office, Gaul Nether Silesia from 1935 to 1945, the summary of which is as follows:

"The material sent to the Amtstraeger for propaganda in the Gaus and Kreise by the Reichs Propaganda Leadership for

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the execution of their work did not contain any plans or instructions in the sense of the crimes charged by the Prosecution; of criminal plans of individual party offices or Party Leaders the Political Leaders in the Kreis and Gau Propaganda Offices could not know anything, because such topics were not mentioned in the information files at their disposal; this is especially true of the Political Leaders employed in a Culture Political Sector because they did not receive any instructions beyond what was purely artistic or cultural. About 90 percent of all Political Leaders in Silesia did not hear of the events of the 8th and 9th of November 1938 until the next day by hearsay or through the press and radio. They had not participated in the planning or preparation and were opposed to this action. The Propaganda Offices in collaboration with the German Labor Front saw to the catering to of foreign workers as well as to the procuring of installations and fittings for social rooms, theaters, musical instruments, books, and magazines. The Propaganda Offices did not receive any instructions to the charge of lynch justice in the sphere of work in question; nor did cases of lynching justice become known. There was no connection as far as work was concerned with the group of questions concerning concentration camps for these Propaganda Offices. Their attitude towards religious denominations was defined by them by an order of the Gauleiter of Nether Silesia according to which all political leaders were forbidden to interfere in disputes with the churches. Besides this, the discussion of all questions concerning Christianity and the churches in public meetings of the NSDAP had been forbidden by a decree of the Reichs Propaganda Chief as early as 1937.

"Of the approximately 600 Political Leaders employed in the Gau Nether Silesia in propagandistic and cultural political work, about 4% did so by profession, about 96% were honorary workers; about 70% of them were members of a Christian denomination."

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COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Walter Schulz? Let the affidavit be marked Political Leaders Affidavit No. 36 for identification.

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Next, I shall present an affidavit by Karl Kuenzler of the 10th of July 1946, who was employed in the office of Reichs Treasurer Schwarz, concerning the second group, that is Party Administration. This affidavit represents the organization and scope of work of the Administration of France of the NSDAP on a level of the Orts, Kreis and Gaus. The summary is as follows:

"The heads of Cash Offices of the Ortsgruppen, Kreiskassen and Gauschatzmeister concerned themselves exclusively with administrative and finance technical work. They did not take place through the political leadership but through the Reichs Treasurer and his offices. Only a part of those employed in the administration of finance of the NSDAP were appointed political leaders. These appointments did not have anything to do with their execution of work. This work remained purely financial and administrative without any political activity."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Karl Kuenzler ? Let the affidavit be marked Political Leaders Affidavit No. 37 for identification.

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Within the third group, which is composed of the great number of professional and specialist offices, I differentiate between (a), the specialist experts acting as liason men coming from the Party Organizations; (b), professional representations; (c), general specialist offices and specialist advisers; (d), specialist offices of welfare and cor

To the sub-group (a), belong: NS-Frauenschaft (Women's League) NSD-Dozentenbund (League of University Lecturers); and NSD-Studentenbund (Student League.) These are independent Party organizations. They have no connections with the

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Hoheitstraegern by being attached to their staff. The local fuehrers, however, are at the disposal of the Kreis and Gauleiter merely as experts. Regarding this issue the following witnesses have been heard before the Commission:

Erna Kosternacher and

Else Paul, both NS-Frauenschaft, and

Dr. Chudoba (NSD-Dozentenbund-u. NSD-Studentbund)

Supplementary to the NS-Frauenschaft, I am submitting an affidavit by Aleida Kynass, Gauabteilungsleiterin Mutterdienst (Motherhood Service) Gau Berlin and Gau-Frauenschaftsleiterin in the Gau Tirol-Vorarlberg. The summary is as follows:

"The section chiefs in the offices of the NS-Frauenschaft, registered society, were subordinate and in their work responsible only to the Gaufrauenschaftsleiterin; they received their professional directives from the Reichsfrauenfuehrerin. During the entire activity they had no connection in line of duty with the Gauleiter or one of his coworkers."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Aleida Kynass ? Let the affidavit be marked Political Leaders Affidavit No. 38 for identification.

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I now submit affidavit of Dr. Hildegard Brauns, Kreisfrauenschaftsleiterin in Wesermuende from 1937 to 1945, the summary of which is as follows :

"All directives pertaining to their work were issued to the Kreisfrauenschaftsleiterins only from the Gaufrauenschaftsleiterin and they were responsible only to her. They had their own offices, which were never visited by the Kreisleiters. They participated in the enlarged official conferences of the Kreisleiter. The authorities also were present there. They had to leave the room during the conferences of the more immediate staff which usually followed the enlarged conferences. Frauenschaftsleiterins were never called up for

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political tasks."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Hildegard Brauns ? Let the affidavit be marked Political Leaders Affidavit No. 39 for identification.

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Sub-Group (b), (Professional Representations), have this in common, that their Amtstraeger (Executive Employees) in their capacity as local leaders of the independent so-called attached associations of orgainzed professions simultaneously belonged to the staffs of the Kreis and Gauleiter as representatives of the interests and expert advisers pertaining to matters of their respective professional groups. Individually, they are:

* NS-Lehrerbund (Teachers League) Amt fuer Erzieher (Educator's Office)

Reichsbund Deutscher Beamter (Reich League of German Civil Service Employees)

Amt fuer Beamte (Office for Civil Service Employees)

NS- Bund Deutscher Techniker (Technician's League) Amt fuer Technik (Office for Technic)

NSD-Aerztebund-(Physician's League) Amt fuer Volksgesundheit (Office for National Hygiene)

NS-Rechtswahrerbund (Lawyers' League) Rechtsamt (Office for Jurisprudence)

*The affidavit pertaining to the Educator's Office cannot be submitted at present. Witness applied for has not as yet arrived here.

I now submit the affidavit of Dr. Bernd von Schenk for the Office for Civil Service Employees, the summary of which is as follows:

"The connection between the Local Leaders of the Reichsbund Deutscher Beamter as a professional orgainzation and the staffs of the Hoheitstraeger consisted of the leaders being simultaneously Amtsleiter of the Offices for Civil Service Employees.

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These offices were regularly filled by honorary employees; the Amtsleiter exclusively professional advisers of the Hoheitstraeger. They had no duties pertaining to political leadership and they received the directives solely from the Amtstraeger who was their professional superior; they did not participate in the conferences of the Hoheitstraeger with their "staff officers" either; they had nothing to do with the preparations or executions of the crimes charged by the prosecution; they did not even regularly hold rank as a Political Leader. The offices for Civil service employees closed down in 1943, because their work was not considered as essential to the war effort."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Bernd von Schenk ? Let the Affidavit be marked Political Leaders Affidavit No. 40 for identification.

An affidavit is now submitted for the Kreis and Gau Office for Technic. It is by Karl Schoeneberger, Kreisamtsleiter in the Office for Technic, Cologne (Gau Colonge-Aachen) from 1934 to 1945, the summary of which is as follows:

"The Offices for Technic were established in 1934. The at that time existing Technicians and Engineers associations were co-ordinated in the NS Technician's League. The Offices for Technic were no political leadership offices. They only had a professional task. This extended mainly in preparing plans pertaining to Technic and Science (Economics of Energy Construction, Traffic, Factory Protection, Protection of Inventros). The Amtsleiter had to advise the Hoheitstraeger in these matters. They were prohibited from issuing so-called political character testimonials or other political judgments. They were called to the conferences with the Hoheitstraeger only inasfar as special tasks of the Office for Technic were concerned. Such conferences did not touch upon any points which fell within the sense of the crimes with which the Organization is charged."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Krr. Schoeneberger ? Let the affidavit be marked Political Leaders Affidavit No. 41 for identification.

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I now submit affidavit by Bruno Paul Mackels, Gauamtsleiter for Techn. Gau Pommern-Stettin from 1938-1945, summary of which is as follows:

"The detailed discussion of the tasks put to the Gau Offices for Technic shows that they did not carry within themselves the intention to commit crimes against peace, against the rules and customs of war, and against humanity. The offices for Technic were purely professional offices who had to give advice in affairs pertaining to Technic, Technical Economics and Technical Scientific Matters. All work was done without pay and as a side-line. The loose connection with the Hoehitstraeger derived from the fact that the Gau Office for Technic frequently was located in a different locality than the Office of the Gauleiter."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Bruno Paul Mackels ? Let the affidavit be marked Political Leaders Affidavit No. 42 for identification;

The affidavit of Dr. Alfred Sasse, Physician and Leiter of the Kreis Office for National Hygiene in the Kreis Iserloh Westphalia from 1936 to 1945 is submitted in behalf of the Offices for national Hygiene. The summary is as follows :

"The local leaders of the NSD-Physicain's League simultaneously were leaders of the Kreis or Gau Offices for National Hygiene on the staff of the Hoheitstraeger. In this capacity they also acted without remuneration. Their task was exclusively a medical professional one. The medical care which came within their competency not only benefited party members but all German Nationals generally. The Hohbitstraeger did not have any possibility to interfere with the activities of these physicians in their capacity as Amtsleiter. They had nothing to do with the tasks or measures taken by the Political Leadership. There was no connection between the purely medical activity and the crimes enumerated by the prosecution. They also did not deal with race political research directives pertaining to hereditary biology and problems of marriage laws; their whole work was based on the assumption of a permanent peace; they were not called to participate in conferences of the more immediate staff so that they lacked any special political orientation".

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COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr Alfred Sasse ? Let the Affidavit be marked Political Leaders Affidavit No. 43 for identification.

I now submit by Dr. Paul Steinhauser, Kreis-Rechtsamtsleiter Augsburg, (Gau Schwaben) which shows the tasks of the Office for Jurisprudence and t' they merely had an organizational connection with the Hoheitstraeger. The summary is as follows :

"The leiter of the independent professional organization NS-Rechtswahrerbund were simultaneously i.e., in personal union, the Kreis or Gau-Rechtsamtsleiter on the staffs of the Hoheitstraeger. In this capacity they participated only rarely in the conferences of the Kreis staff and only if there was a special professional reason for it. Their main task after the incipeint work pertaining to Rechtsbetreuung (legal care) was found almost exclusively with the Rechtswahrerbund; it dealt purely with tasks pertaining to jurisprudence; these offices and functionaries had nothing to do with general political or even legal political tasks. The activity did not bring about any contact with the events which are the basis for the charges. The fact that the Offices for Jurisprudence did not have nay political significance can best be derived from the fact that they were dissolved in 1942 in Kreis and Gau as not being essential to the war effort."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Paul Steinhauser ? Let the affidavit be marked political leaders affidavit No. 44 for identification.

The Sub-Group c) -General specialist Offices and Specialist Advisers, comprises the following offices:

DAF-Obmaenner (Foremen of the German Labor Front)

Handwerk und Handel (Artisans and Commerce)

Amt fuer Agrarpolitik (Office for Agricultural Policies)

Amt fuer Kommunalpolitik (Office for Municipal Policies)

Wirtschaftsberater (Economic adviser)

Beauftragte fuer Rassenpolitik (Deputies for Racial Policies)

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The following affidavits are submitted for the above: Affidavit by Richard Haller, Kreisobmann DAF, Neu-Ulm, summary of which is as follows:

"The DAF administrations on Ort, Kreis and Gau level, were definetly offices of the DAF as an association which was attached to the NSDAP but whic otherwise was independent. The connection between this independent association and the Leadershipoffices consisted in the respective foremen on Ort, Kreis and Gau level being simultaneously in personal union Amtsleiter on the staff of the respective Hoehitstraeger. They also were sometimes Hauptstellen respectively Stellenleiter. The task was definitely a professional one, their duties were essentially social ones. The DAF-Obmaenner were professional advisers of the Hoheitstraeger. However, their professional and working directives were issued not from the Hoheitstraeger but from the DAF administration immediately superior. The work of the political leiter in the DAF was slanted exclusively toward peace. Their social work did not constitute a contribution to the preparation of war and to the committing of war crimes.

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Richard Haller ? Let the Affidavit be marked Political Leaders Affidavit No. 45 for identification.

Affidavit pertaining to the Office for Artisans and Commerce cannot be submitted at present. The two required witnesses have not as yet arrived.

To supplement and support the testimony of witness Johan Adam Mohr the affidavit of the former Reichsminister for Food and Agriculture, Reich Farmer Leader and Reich Leiter of the Agrarpolitical Apparatus, Richard Walter Darre is submitted. The summary is as follows :

"The Amts for Agricultural policies on the staffs of the Hoheitstraeger did not originate by order of the Party Organization. To the contrary they had to maintain their position by a steady struggle against supreme Party Leadership. Their functionaries did not have any political authority. They merely represented the interests of the agricultural level. That is why in practice they frequently were in opposition to the Hoheitstraeger who were irritated by their independence.

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In 1942 the Agrarpolitical Apparatus was dissolved because of this independen The newly established Amt fuer das Landvolk (Farmer's Office) was to eliminat the idea of the self-administration of professional levels in favor of the totality claim of the Party. Due to the resistance of the Farmer Leaders thi goal was not achieved up to the time of the collapse. Thus it was that not only the representatives of the Farmers in the professional organization of the Reichs Food Estate but in particular the functionaries of the Agrarpoliti- cal Apparatus and of the Farmers Office remained in counscious and desired opposition to the leadership organization of the Party and its Hoheitstraeger from the establishment in 1930 to the collapse in 1945. These functionaries not only did not receive any directives to resign from the church but the Reich Farmer Leader in 1934 even issued a direct prohibition to resign from the church. This prohibition remained in existence for a number of years. When it was repealed in 1939-1940 due to pressure by Bormann it was done in such a manner that practically nothing was changed in the attitude of the Farmer Leaders toward the Church".

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Richard Walter Darre ? Let the Affidavit be marked Political Leaders Affi- davit No. 46 for identification.

I now submit two affidavits for the Office of Municipal Policies. The first is affidavit of Dr. Robert Plank, from the office of Municipal Policies in Nurnberg, Gau Franken, summary of which is as follows :

"While the primary task of the Party dealt with "Menschenfuehrung", (Leading the People), i.e., to influence the masses from a Party political point of view, the Office of Minicipal Policies as merely a professional office dealt with legal and administrative matters within the framework of the German Municipal Statutes. There was only a little work; months passed without any work at all. The staff of co-workers provided for by the plan of organization either was merely on paper or it was utilized to enable men who were employed in representative positions to wear a Party uni- form on official occasions.

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The Kreisleiter or Gauamtsleiter for Municipal Policies was always serving without pay, i.e., he acted in addition to his acutal job as for instance Municipal Councillor. He did not employ any special help or had at his disposal any office. The Hoheitstraeger themselves showed little or no interest in the work of the Office of Municipal Policies which they could not influence. It seemed full of red tape to them and that is why these Amtstraeger did not call on the Municipal Policy functionaries for advice regarding any Party Political Leadership problems. That is why these Amtstraeger could not have participated in any conspiracy nor could they have had anything to do with the execution of any crimes."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Robert Plank ? Let the affidavit be marked Political Leaders Affidavit No. 47 for identification.

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I now submit the second affidavit for the Office of Municipal Policies, by Kurt Petersen, Kreisamtsleiter des Amtes fuer Kommunalpolitik from 1934 to 1945 in Schleswig-Holstein. This affidavit amanating from a Gau geographically opposite confirms the completely unpolitical nature of these offices. The summary is as follows:

"Functionaries for these offices were not selected because they were political fighters but because they were professionally qualified. They were, for instance, Burgomeisters because these understood municipal problems. Their activity was completely meaningless. In public, that is to say, in the Kreis areas, almost nobody knew of the existence of such offi ces. The Amtsleiter had no co-workers. Frequently they were not consulted all year. Their negligible activity did not bring about any connection with the crimes charged by the prosecution. At the occasion of a change of position the witness has given all the files to a private firm as waste paper. This shows that there was nothing in connection with these offices requiring secrecy and nothing which any third party could not see."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Kurt Petersen? Let the affidavit be marked Political Leaders Affidavit No.48 for identification.

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The next affidavit submitted concerns the activity of a Gauwirtschafts-berater, (Gau Economic Adviser). It is made by the Syndikus der Industrie- und Handelskammer (Corporation Lawyer of the Chamber of Industry and Commerce) and Manager of the Rheinische Braunkohlensyndikat, Dr. Paul Heinen. The summary is as follows:

"The Gau Economic Advisers always were men of industry and frequently they were identical with the Leiter of an organisation of industrialists. Their task consisted of advising the offices of the Party and of the State as well as the general public in economic matters. To a great extent these problems coincided with the tasks of the Chamber of Industry and Commerce. They pertained to the elimination of unemployment by the Government ordering from private firms, drafting of larger traffic projects, expert opinions and suggestions for efficient organization of business and reform of banks and stock

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exchanges. Contact in line of duty with the Hoheitstraeger was negligible. While the witness was active for almost two years, only once did he have the occasion to report to the Gauleiter in person."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Paul Heinen? Let the affidavit be marked Political Leaders Affidavit No.49.

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I now submit an affidavit by Dr. Erich Baumeister, Physician and Deputy for Racial Policies in Muenster, Gau Westfalen-Nord; regarding position and activities of the Beauftragter für Rassenpolitik (Deputy for Racial Policies), it states:

"These offices are in existence only since 1934. The tasks of their Leiter were limited to dealing with allproblems of the population policies. They dealt with them on a purely scientific basis. On the basis of the criteria of the science of heredity anthropology, and racial hygiene, that is to say, on the basis of internationally recognized areas of research, the offices did not deal with the planning and execution of measures against the Jews. Their functionaries for the largest part were active without pay and were in very loose contact only with the Hoheitstraeger. These had no appreciation of scientific work and frequently did not even know that there were such offices. They were not authorized to issue professional directives. The deputies for racial policies participated only on those staff conferences which were also attended by representatives of the authorities and during which no plans or measures were discussed which could be considered as indecent from a human point of view. During his several years of activity the witness did not call on his Gauleiter even once in line of duty. Only a small part of the deputies for racial policies carried the rank as Political Leiter. They were not even required to be members of the NSDAP."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Dr. Erich Baumeister? Let the affidavit be marked Political Leaders Affidavit No. 50 for identification.

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The last group, d), of the Professional and Specialist Offices, deals with the Offices of Welfare and Care, i.e. the Volkswohlfahrt und den Amt fuer Kriegsopfer (Peoples' Welfare and Office for War Victims).

The witness, Anton Schueller, who was active in several Kreise of Western

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Germany has been heard regarding position and activity of the National Socialist Welfare functionaries on the staffs of the Hoheitstraeger. To support this testimony I now submit affidavit by Robert Neumann, Gauamtsleiter in the Gaus Schleswig-Holstein and Franken, summary of which is as follows:

The Gauamtsleiter NSV fulfilled the same function as that performed in the professional offices of the NSV. They merely pertained to welfare and care and included all persons living within Germany. The activity was regulated by the directives of the superior professional NSV office. The Amtsleiter did not have a staff of their own either nor did they have an organization. Not even was there a spatial connection between NSV Amtstraegers and the Kreis or Gauleiter. For example, the Gauamtsleitung NSV from Schleswig-Holstein was located for many years in Altona, while the Gauleiter Schleswig-Holstein was located in Kiel."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Robert Neumann? Let the affidavit be marked Political Leaders Affidavit No.51 for identification?

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I now submit affidavit by Josef Fink, Gauamtsleiter for War Victims from 1933 to 1945 in Gau Schwaben, summary of which is as follows:

"Like the corresponding Amtsleiter of the NSV, the Kreis and Gauamtsleiter of the NS Care for War Victims Registered Society belonged to the staff of the Hoheitstraeger merely because they had to advise the H oheitstraeger in their capacity as local leaders of the Kreis and Gau Offices of the National Socialist Care for War Victims Society. In this they depended on the professional directives of their superior NSKOV Offices. They were strictly prohibited from exercising any political influence. They did not have any regular conferences with the Hoheitstraeger either so that they called on the Gauleiter in the line of duty only at great intervals. They did not have their own staff and under certain circumstances they did not even have working quarters in the Gauleitung."

COMMISSIONER TAYLOR: Are there any objections to the affidavit of Josef Fink? Let the affidavit be marked Political Leaders Affidavit No.52 for identification.

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COMMISSIONER TAYLOR: Dr. Link, do you have any further affidavits which you desire to present at this time?

DR. LINK: Just the bulk affidavits which are being worked on in the Gymnasium. The procedure which has been adopted in handling the bulk affidavits is that they are being separated according to the eight individual charges of the indictment, that is, according to lynch justice, concentration camps, churches, Jews, and so on, by a man whom we have selected, an internee of a camp, to sort them, to look them over and analyze them. He in his turn is to write an affidavit saying that he had sorted and handled so many thousands of affidavits with just the main points given in his affidavit concerning the contents as a whole with perhaps one or two of the important affidavits submitted.

The second procedure adopted is as follows: I have selected two camps, a small camp Garmisch and a small camp Darmstadt, and have had statisticians come here who are going to make reports, cross-cut or birds-eye-view reports on conditions, guarding, etc. in these camps.

COMMISSIONER TAYLOR: Is that in the form of an affidavit or a witness before the Tribunal?

DR. LINK; In the form of an affidavit.

COMMISSIONER TAYLOR: When will you have those ready, Dr. Link?

DR. LINK: They are being written now and they could be presented Wednesday.

COMMISSIONER TAYLOR: That will be fine. You have no further affidavits to present at this time?

DR. LINK: No.

(The Commission adjourned until 30 July at 1000 hours.)

The foregoing is a true and correct transcript of the submission of affidavits by Dr. Link on behalf of Political Leaders, taken on 29 July 1946.

Mabel A. Lesser
Reporter

CERTIFIED TO:

Geo. R. Taylor
Commissioner